

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 98-AFC-1  
)  
Application for Certification )  
for the Pittsburgh District )  
Energy Facility )  
\_\_\_\_\_ )

INFORMATIONAL HEARING  
Pittsburg City Hall  
City Council Chambers  
65 Civic Avenue  
Pittsburg, California 94565  
Thursday, November 19, 1998  
3:05 P.M.

Reported By: Janene R. Biggs, CSR No. 11307

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DAVID A. ROHY, Presiding Member

Susan Geftter, Hearing Officer  
Bob Eller, Advisor to Commissioner Rohy  
Susan Bakker, Advisor to Commissioner Moore

Arlene L. Ichien, Assistant Chief Counsel  
Eileen Allen, Project Manager  
Lorraine White, Project Manager

Samuel L. Wehn, Project Director, Pittsburg District  
Energy Facility

Allan J. Thompson, ESQ.

Kate Poole, CURE

1 P R O C E E D I N G S  
2 THURSDAY, NOVEMBER 19, 1998  
3 PITTSBURG, CALIFORNIA 3:05 P.M.

4 MS. GEFTER: Okay. We would like to now  
5 open the Committee Status Conference on the Pittsburg  
6 District Energy Facility being proposed by Enron  
7 Company, and first we'd like to introduce our committee  
8 to you.

9 And this is Vice Chairman David Rohy from  
10 the California Energy Commission. He's presiding  
11 member on this particular application for certification  
12 case.

13 Our second member, Commissioner  
14 Michal Moore, is unavailable today. His advisor is  
15 here with us today, Susan Bakker.

16 Bob Eller is here. He's an advisor to  
17 Commissioner Rohy.

18 I'm Susan Gefter. I'm the hearing officer  
19 assigned to this proceeding.

20 And then we -- Roberta Mendonca, who is our  
21 public advisor, and she will have some comments for you  
22 in a while about the role of public adviser.

23 I'd also like to ask the applicant to  
24 introduce themselves for us.

25 MR. WEHN: My name's Sam Wehn. I'm the  
26 project director of the Pittsburg District Energy

1 Facility, and to my right is Allan Thompson, who's our  
2 advisor -- permit advisor, et al.

3 MS. GEFTER: Okay. And our staff, can they  
4 introduce themselves?

5 MS. ALLEN: I'm Eileen Allen, the Energy  
6 Commission's project manager for the Pittsburg project.  
7 I'm going to be in this role for another week or so,  
8 and then Lorraine White will be taking over for me.  
9 I'm voluntarily cutting back to 50 percent time so I  
10 can spend more time with my family.

11 MS. GEFTER: I see staff counsel also  
12 present.

13 MS. ICHIEN: My name's Arlene Ichien. I'm  
14 an attorney with the Energy Commission, and I'm just  
15 here to monitor this particular hearing. Dick Ratliff  
16 is otherwise the staff counsel for the staff.

17 MS. GEFTER: And also, are there any  
18 intervenors present, like CURE (indicating) or anyone  
19 else?

20 MS. POOLE: Kate Poole, representing CURE.

21 MS. GEFTER: And then, also, are there any  
22 representatives of agencies here? Would they introduce  
23 themselves for the record?

24 MR. CAUSEY: Paul Causey, Delta Diablo  
25 Sanitation District.

26 MS. GEFTER: Glad to see you.

1                   Anyone else? The air district or --  
2                   MR. HARRIS: Jeff Harris, Ellison &  
3                   Schneider.  
4                   MS. GEFTER: Okay. Thank you.  
5                   MR. JANG: Dennis Jang, Bay Area Air  
6                   Quality.  
7                   MS. GEFTER: Glad you're here, too.  
8                   Any other agencies or City of Pittsburgh  
9                   representatives?  
10                  MR. LEONARD: Mark Leonard with the  
11                  Pittsburg Advisory Group.  
12                  MS. GEFTER: Thank you. Okay.  
13                  And then also members of the public.  
14                  Individuals or organizations in the community who are  
15                  here to listen in. Is there anyone here who would like  
16                  to introduce themselves?  
17                  MR. BARRETT: I'm Tim Barrett of Bay Harbor  
18                  Park, one of the developments that's downtown.  
19                  MS. GEFTER: Glad you're here. Thank you.  
20                  Anyone else?  
21                  MR. WHEELER: Doug Wheeler with GWF Power  
22                  Systems.  
23                  MS. GEFTER: Okay. Thank you.  
24                  MR. HALL: And also Jack Hall, City of  
25                  Antioch, H-A-L-L.  
26                  MS. GEFTER: Thank you.

1                   We're asking people to introduce themselves,  
2 representatives of agencies or community groups.

3                   MR. BAATRUP: Greg Baatrup with Delta Diablo  
4 Sanitation District.

5                   MS. GEFTER: Thank you.

6                   MR. RAINES: Randy Raines with  
7 RMC Consulting.

8                   MS. GEFTER: Thank you. I may ask some of  
9 you, if you have business cards, to speak to the  
10 reporter later so she could spell your names correctly.  
11 So we'll catch up with you during a break to get your  
12 names.

13                   I'd like to give some background on this  
14 project. The Pittsburg District Energy Facility filed  
15 this application for certification in June 1998. The  
16 project is a 500-megawatt cogeneration facility that  
17 will be built by Enron Corporation on an existing  
18 industrial site owned by USS Posco in the city of  
19 Pittsburg.

20                   The Committee issued a scheduling order on  
21 September 17th, setting forth the milestone dates in  
22 this matter through January 1999.

23                   The schedule requires the parties to submit  
24 status reports and to attend status conferences, such  
25 as this one, to inform the Committee about any  
26 potential delays and other relevant matters.

1           To date the parties have answered several  
2   inquiries from the Committee, and they filed two status  
3   reports, which you can find over on the table back  
4   there (indicating). We brought all the status reports  
5   and other information if people want to see them.

6           In the notice scheduling this status  
7   conference, the Committee posed additional questions to  
8   the parties, which we will discuss today, and the  
9   purpose of today's conference is to determine whether  
10   the September 17th scheduling order should be modified  
11   to account for unforeseen delays in this process and to  
12   also discuss whether any proposed changes to the  
13   initial project description will require additional  
14   review by staff and the responsible agencies.

15           We also want to hear from agency  
16   representatives on the status of their respective  
17   reviews of this project.

18           Again, people feel free to go over to that  
19   table and pick up any copies of the status report and  
20   the Committee scheduling order.

21           I also want to speak about our public  
22   adviser's role for a bit in the process. The AFC  
23   process is a public proceeding in which members of the  
24   public and interested organizations are encouraged to  
25   actively participate and express your views on matters  
26   relevant to this project. The Committee is interested

1 in hearing from the community on any aspect of this  
2 project.

3 Members of the public are also eligible to  
4 intervene in the proceeding, and if there are potential  
5 intervenors, we encourage you to file your petition to  
6 intervene soon to allow for your full participation.

7 At this time we'll ask the public adviser to  
8 explain the intervention process and to also provide an  
9 update on her efforts to contact local residents and  
10 other interested groups and organizations regarding the  
11 proceedings.

12 MS. MENDONCA: Thank you, Susan.

13 Basically the intervention process changes  
14 the status of the participant from that of a member of  
15 the public willing to discuss and exchange questions to  
16 that of a party. Essentially an intervenor comes to  
17 the table and participates as a party. You're entitled  
18 to ask and receive about a request. You're entitled to  
19 ask and receive answers to your questions, and probably  
20 most significantly, the difference between being a  
21 member of the public and participating by asking  
22 questions is, as an intervenor, when it comes to the  
23 evidentiary hearing, you have an opportunity to  
24 cross-examine and, if appropriate, offer expert  
25 testimony on the issues of greatest concern to you.

26 So the public adviser's office not only is



1 willing to provide you with the background information  
2 on filing an intervention petition, but is available to  
3 assist you in getting that petition filed, and some of  
4 you I have already given copies of the petition, and  
5 I've indicated my willingness to be of further  
6 assistance.

7           Quite frankly, I think one of the reasons we  
8 don't have more than Tim present from the community  
9 today is that the several people that I did contact  
10 that I have spoken to previously about participation in  
11 this proceeding, find that the afternoon hearings are  
12 very inconvenient because of their commitments to their  
13 jobs, and they're unable to take time off to be here.  
14 So on behalf of at least five people that would liked  
15 to have been here, I did want to make that comment  
16 available to the Committee.

17           Thank you.

18           MS. GEFTER: Since we are here to discuss  
19 the status of the schedule in this case, we will begin  
20 with applicant's presentation and their responses to  
21 the Committee's inquiries that were included in the  
22 Notice of the Status Conference.

23           Following the applicant's presentation,  
24 we'll hear from staff, and the intervenors. Then from  
25 the public agencies that are involved in this  
26 proceeding, and then members of the public.

1                   This will be somewhat of an informal  
2 process. We will provide time at the end of each  
3 presentation for the parties to ask questions and for  
4 the public to ask questions and to try to clarify some  
5 of the issues, and if there are any questions about the  
6 process, why don't we talk about that right now before  
7 we get started.

8                   Are there any questions about what we're  
9 going to do today?

10                  Okay. I think we should just begin and ask  
11 the applicant to begin their presentation. I would  
12 like to ask you to try to answer the questions that we  
13 posed in our schedule -- I'm sorry -- in the notice for  
14 this conference.

15                  MR. THOMPSON: That sounds reasonable to me.

16                  Question Number 1 asked for the status of  
17 outstanding data requests and our data responses and  
18 anticipated data submittal of requested information.  
19 To date we have outstanding data request from CURE, the  
20 California Union for Reliable Energy and a small number  
21 of data requests outstanding from the staff. We  
22 additionally have some data requests that we -- that  
23 came at an earlier time on transmission issues by the  
24 staff, and we told the staff that we would respond to  
25 those when we received our final interconnection study,  
26 which is currently being developed by PG&E for the

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1 oversight by the California Independent System  
2 Operators.

3           We have reason to believe that we are  
4 relatively close to having a final interconnection  
5 study issued by PG&E, at which time we will perform  
6 some studies given the information in that study and  
7 complete those data requests.

8           We anticipate answering the CURE data  
9 request within the time frame. There are some of those  
10 that require us to get -- obtain information and then  
11 do analysis, and we've told CURE that we would not be  
12 able to answer some of those in time, but we are  
13 working on them. We have also informally discussed a  
14 telephone conference with them next week to see if we  
15 can informalize that process and reach an endpoint at  
16 an earlier date.

17           This morning with regard to the few  
18 outstanding data requests of the Commission staff, we  
19 discussed all those, and I think, without exception, we  
20 will be responding to those by the due date, which is  
21 mid-December.

22           Lastly, there were some questions that were  
23 raised this morning informally that may become formal  
24 that we committed to answer whether or not the  
25 requesting party was an intervenor, and as soon as we  
26 get those questions, or satisfy ourselves that we wrote

1     them down correctly, we will start work on the answers.

2             So I think the short of that is that by  
3     mid-December, and I think the last date is 12-16, the  
4     outstanding -- all outstanding data requests will be  
5     in, with the possible exception of maybe some of the  
6     informal ones that we just heard this morning.

7             Are there any questions from anyone on that?

8             MS. GEFTER: I have a question regarding  
9     informal data requests. By whom were these requests  
10    made?

11            MR. THOMPSON: This morning they were -- let  
12    me give you one example. There's a representative from  
13    the City of Antioch who asked us a question regarding  
14    some air quality studies, and we told them that we  
15    would answer that, and I don't know whether that  
16    individual or the city will become parties to this  
17    proceeding or intervenors, but we will intend to answer  
18    that question regardless of the status.

19            MS. GEFTER: And then a second question  
20    regarding the interconnection study for PG&E.

21            MR. THOMPSON: Yes.

22            MS. GEFTER: I thought that they had already  
23    filed an interconnection study that we adopted at the  
24    Energy Commission, and so what does this refer to?

25            MR. THOMPSON: There's a draft that which  
26    hadn't been docketed, but it is. The draft document is

1 subject to comments by ourselves and the ISO, and the  
2 final interconnection study, I think, will be a better  
3 document, and a final document that we will sponsor  
4 and, if we can, get into the record, and from that  
5 document we will provide information -- the range of  
6 information that's required from EMF all the way  
7 through the select routing and the fact that it fits  
8 within PG&E's acceptance criteria.

9 MS. GEFTER: And what time frame do you have  
10 for the final study?

11 MR. THOMPSON: I think the 6th or the 8th.

12 MR. WEHN: We have comments that came from  
13 the California ISO, and we're transferring those along  
14 with our comments to PG&E. They indicated to us they'd  
15 be able to turn around the final report within a week,  
16 so our projections right now is December 7th -- on or  
17 before December 7th should be a good date for that.

18 MS. GEFTER: And that final interconnection  
19 study then would be filed with the office unit at the  
20 CEC and served on the ISO?

21 MR. THOMPSON: What we would intend is to  
22 document it and serve it to all parts.

23 MS. GEFTER: Do you have a sense as to what  
24 the ISO's review time would be?

25 MR. THOMPSON: The ISO review time is over.  
26 Oh, you mean the final?

1 MS. GEFTER: For the final.

2 MR. WEHN: I'm going to give you what I

3 think the time frame is without commitments made by

4 them, but I believe it is going to be about two months.

5 I think what has helped is the fact that we

6 did give them a draft copy and had a meeting with them

7 and actually a meeting with PG&E and the ISO

8 themselves, so I think we helped the education process

9 to help that process along, for the final report.

10 MS. GEFTER: Any other questions so far?

11 MR. THOMPSON: I would like to add one

12 substantive comment here.

13 Since the time we had last met, applicant,

14 following discussions with PG&E and a look at their

15 draft plan and discussions with the ISO, have changed

16 our interconnection -- or preferred interconnection

17 route. We hope that it's reflected in the final

18 documents that come out of PG&E and ISO, but what we

19 are proposing is a route that goes aboveground on Posco

20 property, then 115K underground with the underground

21 pole being on Posco property following under the

22 Eighth Street corridor, popping back up aboveground at

23 PG&E's Pittsburgh Power Plant and going into the

24 substation.

25 COMMISSIONER ROHY: Excuse me. About how

26 long is that power line underground?

1                   MR. WEHN: The underground is approximately  
2 a mile, one mile.

3                   COMMISSIONER ROHY: Thank you.

4                   MS. GEFTER: Okay. Regarding the new  
5 interconnection route, will there be some new filings  
6 describing that route?

7                   MR. WEHN: Actually, that route is already  
8 described in the draft report, so what we're going to  
9 end up doing is when we actually end up filing the  
10 final report, we're going to suggest that we will then  
11 at that point site, Eighth Street is our preferred  
12 route out of the number of alternatives that are in the  
13 final report.

14                  MR. THOMPSON: This is probably a good time  
15 to say that this morning's session with the staff, we  
16 probably spent a good hour and a half or two hours on  
17 what we would call improvements to the project  
18 tweakings. This would be the most major of them.  
19 Others would be a flipping, if you will, of the plot  
20 plan, a slight movement of the construction layout, the  
21 lowering of the stacks, using a better and lower  
22 constituents of the water that we'll receive. Really  
23 those kinds of tweakings was discussed with staff, and  
24 we'll be filing that information on December 7th. Also  
25 the noise sounds.

26                  MS. GEFTER: You're saying December 7th or

1 December 2nd.  
2 MR. THOMPSON: Seventh.  
3 MS. GEFTER: Okay. And that's the same date  
4 that the final interconnection study will be turned in?  
5 MR. THOMPSON: Right.  
6 MS. GEFTER: So December 7th is your  
7 deadline for a lot of things.  
8 MR. THOMPSON: It's our day of control.  
9 MS. GEFTER: Okay. So I think we're going  
10 to --  
11 MS. ALLEN: Susan, I had a question about  
12 those changes. Is it an appropriate time to ask, or do  
13 you want me to ask it as staff later?  
14 MS. GEFTER: We're going to come to staff  
15 later.  
16 MR. ELLER: I did have a question. On the  
17 filing on December 7th, you're planning on filing 150  
18 copies as an update to the AFC?  
19 MR. THOMPSON: We had not contemplated doing  
20 that.  
21 MR. ELLER: Is it a major change?  
22 MR. THOMPSON: We don't view it as a major  
23 change. For example, let me take one of the major  
24 ones -- two of the major ones. One is the transmission  
25 lines. First of all, it's a betterment, but besides  
26 that, the route is really changing slightly. The



1 aboveground is on PG&E's property and Posco's. The  
2 environmental effects as well as almost all of it is  
3 underground. It's minimal. We will address that in  
4 the December 7th document, all of the environmental  
5 effects. Many of them will be no impact, but we had  
6 not viewed this as a major change.

7 MR. ELLER: The plot plan and all of those  
8 things you don't feel are significant changes?

9 MR. THOMPSON: The plot plan, for example,  
10 is we flipped the plant. Same footprint. I don't see  
11 that as being new information.

12 MS. GEFTER: In terms of environmental  
13 review along the underground route, will that change in  
14 terms of time of any kind of data responses that you  
15 originally had filed?

16 MR. THOMPSON: I don't believe so. I think  
17 that our December 7 filing will be complete from an  
18 environmental standpoint. As I said, many of them will  
19 be no impacts, but it will contain the latest in things  
20 like EMF, that kind of stuff.

21 MS. GEFTER: I'm going to ask you to  
22 continue in a minute, but I just wanted to note for the  
23 record that Mr. William Glynn, who is the president of  
24 a local organization, the New York Landing Homeowners  
25 Association, has joined us and is now present for this  
26 proceeding.

1                   MR. WEHN: The second question was on the  
2 status of the applicant's negotiations for particulate  
3 matter.

4                   If I may address, not only particulate  
5 matter, but NOX also. We have offers out on the table  
6 for all of the constituents that are required offsets.  
7 At this time, what I'm concerned about is talking about  
8 who it is that we've made offers to, where they're at.  
9 I mean, I think there's a lot of people that are  
10 looking for the same credits that we're looking for,  
11 but I can safely say to you that I believe that we'll  
12 be able to put in the contract in two months all the  
13 credits that we're looking for.

14                  MS. GEFTER: Are there any questions about  
15 that statement?

16                  COMMISSIONER ROHY: I would certainly like  
17 to test the waters of your commitment to two months.  
18 I'm asking, is that a strong commitment, or is that a  
19 possibility? What is your feeling on the two months'  
20 time?

21                  MR. WEHN: We actually have three offers  
22 outstanding. I feel strongly that we can put under  
23 contract the offsets -- all the offsets. I'll be  
24 honest with you. Unless something dramatic happens,  
25 and we get into a strong bidding war with others, that  
26 may affect where we buy the offsets and it may affect

18

1 the price, et cetera, but with what we have right now  
2 on the table, I think we can show you -- it shows we  
3 purchased them.

4 COMMISSIONER ROHY: The Committee would like  
5 to hear at any point you feel this has changed  
6 dramatically, if some adverse reaction has occurred. I  
7 believe that will be appropriate to document some  
8 information and tell us if that's not the case.

9 MR. WEHN: Okay.

10 MS. GEFTER: Any other questions on the air  
11 quality offsets at this point?

12 Yes.

13 MR. GLYNN: What are the sources of the  
14 offsets? Are they within Contra Costa County or  
15 Northern California? Where are they coming from?

16 MS. GEFTER: Can you answer that?

17 MR. WEHN: It's within the Bay Area.

18 MR. BARRETT: Procedurally, do you want  
19 questions extemporaneous from the public about these  
20 various topics that have been discussed, or do you want  
21 to save them until public comment?

22 MS. GEFTER: I think we should save them  
23 until public comment. I just, with respect to  
24 particular topics, if there's a burning question at the  
25 moment, we'd be glad to entertain it.

26 MR. BARRETT: We could always come back to

1     that.

2                   MS. GEFTER:  We could come back and comment  
3     later to that topic.

4                   Mr. Thompson, do you want to continue?  Do  
5     we have another question here?

6                   MR. THOMPSON:  We have another speaker.

7                   MS. GEFTER:  You have another speaker?

8     Okay.

9                   MR. THOMPSON:  Joan.

10                  MS. HEREDIA:  For the record, my name is  
11     Joan Heredia.  I work for Woodward-Clyde.  I'm the air  
12     quality task leader.

13                  The question before us here is the status --  
14     or the Bay Area AQMD's response to applicant's proposed  
15     Best Available Control Technology analysis.  You may  
16     also note that Dennis Jang here from the Bay Area AQMD  
17     is in our presence.  I spoke with the Bay Area, I think  
18     it was yesterday or the day before, and requested their  
19     input on this and said, I will say "X," and that is  
20     representative, so I feel confident and Dennis can add  
21     anything if he'd like to, but my understanding in  
22     regard to the BACT analysis, the Bay Area AQMD has  
23     stated to me that it is the -- some of the lowest BACT  
24     proposals that they will -- well, it is the lowest BACT  
25     proposal that they have had ever submitted to them for  
26     a power plant, and as such they felt that this, in

20

1 fact, would represent BACT within the Bay Area AQMD at  
2 this time and also that they felt that the analysis was  
3 complete.

4 Dennis, would you like to add to that at  
5 all?

6 MR. JANG: No. The levels are very low, and  
7 as such we agree with BACT, that they're as low, if not  
8 lower, than any other existing power plants in the  
9 Bay Area.

10 COMMISSIONER ROHY: May I ask if you're  
11 supportive of the comment by applicant?

12 MR. JANG: Yes.

13 COMMISSIONER ROHY: Thank you.

14 MS. HEREDIA: Item 4, being the schedule for  
15 the Bay Area AQMD's release to the Preliminary  
16 Determination of Compliance and the Final Determination  
17 of Compliance, the Bay Area AQMD indicated to  
18 Woodward-Clyde that the PDOC could be released 60 days  
19 from the date of application completeness, and that the  
20 final determination of compliance could be released 60  
21 days thereafter.

22 MS. GEFTER: What was the date of the  
23 application's completeness?

24 MS. HEREDIA: Currently, we have  
25 submitted -- well, the short answer is it has not yet  
26 been deemed complete. The longer answer is that we

21

1 have submitted a response to their -- they gave us a  
2 letter requesting additional data. That was provided,  
3 I would say, three weeks ago or so. I don't remember  
4 the exact date. I apologize. And at this point it is  
5 in their court to respond to us. I do anticipate that  
6 they will want to look at some of the proposed  
7 betterment issues, as counsel presented, as well in  
8 their consideration of the completeness of the  
9 application.

10 MS. GEFTER: Does the representative from  
11 the Air Quality District have any guess as to when a  
12 PDOC might be available?

13 MR. JANG: Well, based upon the applicants  
14 submitting this information on December 7th, we would  
15 need a minimum of 60 days from that date. So  
16 February 7th at the very least.

17 MS. GEFTER: How realistic is the  
18 February 7th date for a PDOC?

19 MR. JANG: It depends on the ongoing  
20 negotiations about permit conditions and those kinds of  
21 issues. We go back and forth, but assuming it's  
22 relatively straight forward, I think February 7th is a  
23 realistic date.

24 MR. BARRETT: What is the PDOC?

25 MS. GEFTER: Preliminary determination of  
26 compliance with the Air Quality District's rules and

1 regulations.

2 The question I have is, does the PDOC also  
3 have to wait for the offsets to be agreed upon and  
4 lined up?

5 MR. JANG: No, it does not. They don't have  
6 to be in the the final contract.

7 MS. GEFTER: Okay. We can go on to the next  
8 topic.

9 MR. WEHN: Okay. I think Number 5 is  
10 Schedule of the Independent System Operator's Review,  
11 and I believe we indicated approximately two months for  
12 that review.

13 COMMISSIONER ROHY: That's two months from  
14 December 7th?

15 MR. WEHN: Yes.

16 COMMISSIONER ROHY: Sounds like we'll be  
17 very busy on February 7th or thereabouts.

18 MR. WEHN: Yes, sir.

19 MS. GEFTER: We can move on.

20 MR. WEHN: Regarding the proposal for the  
21 transmission group and the impacts, I believe we  
22 indicated that we were going to go down Eighth Street  
23 underground. We're doing the environmental evaluation  
24 of that, and all of that will be submitted as part of  
25 our December 7th package.

26 MS. GEFTER: What about the next question?

1 MR. GREENE: I can speak up I think.

2 For the record, I'm Rob Greene with  
3 Woodward-Clyde Consultants and senior manager for noise  
4 and vibration.

5 That question resolves around noise issues.  
6 With respect to the project footprint and with respect  
7 to equipment redesign and mitigation and shielding and  
8 muffling, we are prepared to submit that data with the  
9 December 7 package. I've been working on that --  
10 review of that information that has come from Enron  
11 from their equipment suppliers. The schedule on that,  
12 as we indicated this morning at the meeting with very  
13 good news, it will be very quiet.

14 COMMISSIONER ROHY: May I ask this? That to  
15 me says that you have selected the equipment; is that  
16 correct?

17 MR. GREENE: Not specifically. We have been  
18 in conversation with multiple vendors, but we are  
19 looking at the feasibility, the reasonableness of what  
20 they're proposing in terms of how we might address heat  
21 recovery steam generator enclosure or enclosure around  
22 the turbine, valve wrapping and mitigation for valve  
23 noise and such. So we're comfortable that which  
24 whichever vendor equipment will be selected we can meet  
25 with those stringent requirements as resulting from the  
26 Commission staff recommendations and the input from the

24



1 community.

2 COMMISSIONER ROHY: So you're saying it's  
3 independent of your supplier?

4 MR. GREENE: That's correct.

5 MR. WEHN: I'd like to just add a comment,  
6 and that is, just as we did with the air, in an attempt  
7 to look at three different vendors and permit under  
8 three different vendors so that any one of the three  
9 could be used, we're doing the exact same thing with  
10 the noise side of it.

11 However, just two weeks ago we did go out  
12 and purchase two General Electric gas turbines, so I  
13 think we're in the process of moving forward with at  
14 least a commitment on the equipment side of it and  
15 starting to zero in on specific equipment.

16 Now, we don't think that from the evaluation  
17 that we've done, it's only going to improve. It's  
18 never going to be worse than the conditions in which  
19 Rob has just stated.

20 COMMISSIONER ROHY: Are you telling us these  
21 will be 7-FA's?

22 MR. WEHN: Yes.

23 MR. THOMPSON: Well, we believe that they  
24 will be 7-FA's. However, we would like to continue the  
25 evaluation, in which case analysis hasn't proceeded  
26 because scheduled impacts could determine where those

1 turbines go, but right now they have a Pittsburg label  
2 on them.

3 COMMISSIONER ROHY: I might as well ask  
4 since it's been had the Wall Street Journal, do you  
5 have a production date?

6 MR. WEHN: I think Enron's bought a couple  
7 turbines from General Electric and Westinghouse. I  
8 believe these turbines have a delivery date of  
9 mid-January 00.

10 COMMISSIONER ROHY: The turbines scheduled  
11 for this project, January 00 thank you might be at this  
12 point?

13 MR. WEHN: Let's call it the proposed two  
14 pieces of equipment, gas turbines, that could go here  
15 would have a delivery date of mid-January.

16 COMMISSIONER ROHY: And are they the long  
17 lead items or HRSG's that are a scarce item today?

18 MR. WEHN: Actually, the next longest lead  
19 item was the steam turbine. It's approximately 15  
20 months. What we're trying to do, though, is look at  
21 the purchase of the steam turbine, and if we recieve  
22 contract proposal -- request for proposal, that will be  
23 going to the street for bidding.

24 COMMISSIONER ROHY: Thank you.

25 MS. GEFTER: The next topic is the proposal  
26 for waste water treatment. I'd like to hear about

26

1     that.

2                   MR. WEHN:   We've had an awful lot of  
3     discussions with Delta Diablo concerning the supply of  
4     water to our facility, and I know there have been a lot  
5     of questions in return with regard to the quality of  
6     water, quantity of water, where are we going to return  
7     the water to and what part within the Delta Diablo  
8     system.

9                   Mr. Paul Causey, the general manager of  
10    Delta Diablo, is here.  I would like to ask him if he  
11    would be kind enough to say a few words with respect to  
12    the permit and us meeting the requirements of his  
13    facility.

14                  MS. GEFTER:  There's a microphone here, if  
15    you'll come up.

16                  MR. CAUSEY:  I think I've got a loud voice  
17    also, so if you wouldn't mind, I'll just stay here.

18                  I am Paul Causey, the general manager of the  
19    district.  We have had ongoing discussions with Enron.  
20    We also are in the process of currently requesting the  
21    usual NPDES permit.  That process happened last May.  
22    In the process of preparing for that, we also talked to  
23    the Regional Board with regard to recycled water for  
24    these types of uses, and they have no requirements, and  
25    we have not included anything in our permit reissuance  
26    request related to this project.  Their belief and

27

1    their direction to us based on discussions in the last  
2    two months are that the industrial waste discharge  
3    permitting process that we currently have in place  
4    would provide the necessary guarantees and oversight of  
5    industrial customer like Enron and that that process  
6    would be sufficient and adequate to handle everything  
7    with the exception of discharge directly into our  
8    outfall.  If they were to go directly to the outfall  
9    and treatment plant, that would necessitate a different  
10   evaluation.  At this stage we have not talked about  
11   going directly to the outfall.  We haven't had that  
12   opportunity and we don't believe that it will be  
13   necessary.

14               We also -- In terms of the waste discharge  
15   permit, normally that permit would be issued  
16   approximately 30 days prior to the initiation of  
17   discharge and would have to conform with existing  
18   discharge parameters in our existing codes that applies  
19   to all customers, and Enron is aware of those and knows  
20   what parameters they would have to be in and what  
21   requirements would be necessary in order for them to  
22   receive a waste discharge permit from us.  It's our  
23   belief that that permit would be able to be issued and  
24   if there were any problems with it, they would have to  
25   meet retreatment requirements ahead of discharge.

26               MS. GEFTER:  Thank you.

1                   We'll move on to the next topic.

2                   We're going to ask staff to make their  
3 presentation after applicant finishes.

4                   MR. THOMPSON: You want me to comment on the  
5 ability of the staff to release -- I guess not.

6                   I believe the rest of the questions, 9  
7 through 12, are probably properly to be addressed by  
8 the staff first.

9                   MR. WEHN: I guess the only thing I would  
10 like to make a comment on right now is that since  
11 September 3rd's public meeting and the 4th's workshop,  
12 we've had various meetings with the community. Some of  
13 the things that you're going to see that we've actually  
14 worked on in the last few months, things like noise  
15 reduction, flipping the plant, these are all types of  
16 requests to satisfy the community to bring them into it  
17 and make them a part of this project. I think to date  
18 we have attempted to really answer those kinds of  
19 questions. I know there are still some issues sitting  
20 out there. Even the issuance of -- the issue of a  
21 175-foot stack, which is 150 foot, I think we've solved  
22 that problem as well. Certainly, we cannot go below  
23 150 feet though in our case.

24                   I guess I wanted to just make a comment that  
25 the applicant is continuing to meet and continuing to  
26 try to refine and work with the community to make this

29

1 a plant that fits in with the community, rather than a  
2 misfit into the community. Thank you.

3 And one step further, if I may, is the  
4 undergrounding of the transmission line down the  
5 Eighth Street. We have worked with the City and have  
6 continued to work with the City because of the  
7 beautification of the Eighth Street corridor and the  
8 new homes that are being built on the north side of  
9 Eighth Street, and what we're trying to do is mesh our  
10 construction schedule with theirs so that we can see  
11 any improvements that they make. So that's kind of an  
12 ongoing discussion that we're having with the City of  
13 Pittsburg.

14 MS. GEFTER: We're going to take a little  
15 break now for our reporter to take a break, and in the  
16 meantime we can go off the record.

17 (Whereupon, a break was taken.)

18 MS. GEFTER: We're going to reconvene the  
19 conference now.

20 At this point we're going to ask the Energy  
21 Commission staff to present their answers to some of  
22 the same questions that we asked the applicant and see  
23 if we can compare the answers.

24 MS. ALLEN: The staff agrees that the  
25 applicant has responded to the data requests. The  
26 staff's first set of data requests were issued on

1 August 24th. The applicant has responded to each of  
2 those except two in the transmission line safety and  
3 the nuisance area. Those regard the strengths of  
4 existing electric and magnetic fields and compliance  
5 with Public Utilities Commission guidelines regarding  
6 electromagnetic field levels.

7 I did wonder whether the applicant plans to  
8 respond to those at the same time they submit the final  
9 interconnection study on December 7th.

10 MS. GEFTER: Do you want to answer this  
11 right now?

12 COMMISSIONER ROHY: Excuse me. I just  
13 wanted to ask Ms. Allen if she would bring the  
14 microphone a little closer to her when she speaks.

15 MS. ALLEN: Does the applicant plan to  
16 respond to transmission line safety and nuisance data  
17 requests, the two that were outstanding on the  
18 December 7th filing?

19 MR. THOMPSON: What I think we said in our  
20 response to the data request was 30 days after the  
21 interconnection study -- final interconnection study.  
22 Hopefully we can get it done before that. Yes, so it  
23 would be January 7th.

24 MS. ALLEN: During that discussion where the  
25 applicant was responding to Item 1, Mr. Thompson  
26 indicated that he regarded the filing related to the

1 project changes as a minor item. The staff feels that  
2 that's uncertain, and we'd like to take a thorough look  
3 at it, and we're concerned that if only 12 copies are  
4 filed, as is the standard procedure on filing any  
5 material, that there may be some delay while there's  
6 some kind of determination about whether it's actually  
7 a major item or a minor item, and we'd need to work  
8 with you on whether or not to file the 125 required by  
9 a major item.

10 That concludes our response to Item 1.

11 MR. THOMPSON: One suggestion to think about  
12 would be to schedule a workshop on or about that time  
13 and go over our draft responses, and then you could  
14 tell us what you want you us to do.

15 MS. ALLEN: That would be a good way to  
16 approach it. We'd like to do that.

17 MS. GEFTER: I'd like to point out the  
18 Committee would certainly support a workshop at that  
19 time.

20 MS. ALLEN: Are you envisioning then that  
21 this would be a workshop sometime around December 10th?

22 MR. THOMPSON: Hopefully, where's the  
23 Woodward-Clyde folks -- Bob -- hopefully we would  
24 anticipate that we would actually make the filing on  
25 the 7th, and I think that's a Monday, which would have  
26 given us the weekend to compile and edit. We can talk



1 to you about it, but maybe the end of the week before  
2 we'll have the draft ready to go.

3 MS. ALLEN: Actually, my off-the-cuff date  
4 there might have been a little premature. I think the  
5 staff would like some more time to review the material  
6 before a workshop. The reason I'm pursuing this as far  
7 as dates is because we always have to get the wheels  
8 rolling for noticing the workshop ahead of time.

9 MR. THOMPSON: That's why I suggested it.

10 MS. ALLEN: So as we're approaching the end  
11 of November now, we need to think about whether to  
12 start the noticing process.

13 MR. RAY: I'm Robert Ray with  
14 Woodward-Clyde --

15 COMMISSIONER ROHY: Please use the  
16 microphone.

17 MS. MENDONCA: I'm Robert Ray with  
18 Woodward-Clyde. I'm the AFC project manager. Our plan  
19 is to file on the 7th, and I was thinking the date of  
20 11th might give adequate time for initial staff review  
21 before the public workshop. I was just going to toss  
22 that out.

23 MS. GEFTER: I think that the staff and the  
24 applicant can decide upon a date. We don't need to  
25 continue the discussion. However, the Committee would  
26 certainly encourage a workshop around t time of the

1 filing of the December 7th materials, and we'd like to  
2 be informed as to the status of that planned workshop.  
3 Thank you. We can go on to the next topic.  
4 MS. ALLEN: I believe the applicant has  
5 responded to Items 2 through 5, so I am responsible for  
6 part of Number 6.  
7 MS. GEFTER: Do you agree with the  
8 applicant's responses to 2 through 5?  
9 MS. ALLEN: Yes.  
10 MS. GEFTER: Yes.  
11 MS. ALLEN: As far as the possible proposal  
12 for the new transmission route and the implications for  
13 the 12-month AFC schedule, we can't really say how we  
14 think this would affect the schedule until we've taken  
15 a good look at what the bottom line looks like. So we  
16 really need some time to review it and assess it from  
17 all the environmental and engineering angles that the  
18 staff traditionally looks at.  
19 MS. GEFTER: How do you think that, with the  
20 new filing in December, this will affect the ability of  
21 staff to put out a PSA in January?  
22 MS. ALLEN: As far as the original  
23 January 11th date, I think it would make it quite  
24 difficult to the point where I don't regard that as a  
25 feasible date.  
26 MS. GEFTER: Well, I think we're going to

1 discuss that later in today's conference.

2 We'll go through each of these topics and  
3 finish them.

4 MS. ALLEN: I've heard the applicant's  
5 response to Item 8 and the Delta Diablo response was  
6 very helpful in terms of specificity. This morning  
7 Mr. Baatrup indicated that generally Delta Diablo  
8 issues a discharge permit to industrial dischargers  
9 about one to two months before the discharge occurs.  
10 I'm concerned that this might be somewhat different in  
11 terms of fitting this in the Energy Commission's  
12 12-month schedule, because that would be towards the  
13 end of the construction period, I assume. So we'd like  
14 to work with Delta Diablo on whether there are any  
15 alternatives.

16 MR. CAUSEY: If I might, Paul Causey, from  
17 the District. The permit would be issued at the time  
18 and around the time the building permit from the City  
19 of Pittsburg would be issued also. So it would be at  
20 the initial beginning of construction, and at that  
21 point we would have the whole thing worked out and  
22 prepared to issue the permit. So at the same time the  
23 City would issue their permit to allow them to begin  
24 construction.

25 MS. GEFTER: That still does not fit in with  
26 the AFC 12-month process, because the license is issued

1 way before construction begins.

2 MR. CAUSEY: As long as they meet the  
3 ordinance requirements in discharge, there's no  
4 problem. They will get a discharge permit. I can  
5 assure you that.

6 MS. ALLEN: I'll have to get back to you.

7 MR. THOMPSON: I'm sure that we can work  
8 that out with Delta Diablo, and what we've done in some  
9 other cases is said, "Here are the requirements. This  
10 is what we're going to live by," and have Delta Diablo  
11 say, "Yes, we're confident," or something like that so  
12 it fits in with the time frame.

13 MS. ALLEN: Agreements related to such a  
14 permit could appear as conditions of certification in  
15 the staff's final staff assessment, the Commission's  
16 decision.

17 I think I've covered Number 9. If you'd  
18 like me to repeat that.

19 COMMISSIONER ROHY: I believe we'll discuss  
20 the schedule later.

21 MS. ALLEN: Okay.

22 MR. ELLER: Actually Number 9 has a second  
23 part that says what is the revised release date. Do  
24 you have a release date?

25 MS. ALLEN: No, we don't. We won't until  
26 we've taken a thorough look at the December 7th file.

1           I think that if the Delta Energy Project is  
2   filed in December, as they've told us that they plan to  
3   do, that we would be able to include details of it in  
4   the staff's cumulative impact analysis, the Pittsburg  
5   project, the Pittsburg District Energy Facility  
6   project.

7           I think Mr. Buchanan is here representing  
8   Calpine and the Delta Energy project.

9           Are you still on track for filing in  
10   December?

11           MR. BUCHANAN: For the record, my name is  
12   Doug Buchanan. I'm a development manager for the  
13   Delta Energy Facility project, and we fully plan to  
14   file soon.

15           MS. ALLEN: Merry Christmas to you.

16           Number 11. What are the parties' views on  
17   releasing the final staff assessment prior to receipt  
18   of the final DOC?

19           We can release the final staff assessment  
20   prior to receipt of the air district's final DOC. As  
21   far as the final analysis of the interconnection study  
22   by the ISO, I'm assuming that this is the conclusions  
23   that you expect the ISO to file on February 7th?

24           MR. THOMPSON: That's correct.

25           MS. ALLEN: I think that would fit in with  
26   our release of the final staff assessment. That's my

1 guess, but I think that would fit in okay, assuming  
2 that it actually comes in on February 7th.

3 I think the applicant's responses and  
4 Delta Diablo's related responses have negated the  
5 concept of a new NPDES permit being needed at this  
6 point. Unless we hear otherwise, we're going to assume  
7 that the reclaimed waste water will be returned to the  
8 Delta Diablo plant, so a new discharge permit will not  
9 be needed.

10 MS. GEFTER: What are your thoughts on the  
11 last question regarding the overall 12-month schedule?

12 MS. ALLEN: As I look at the 12-month  
13 schedule beginning on July 29th, and the information  
14 that we're currently waiting for, I think it would be  
15 quite difficult for the staff to complete its work in  
16 order for the Committee to have all of its  
17 deliberations complete and in writing by July 29th,  
18 1999, approximately that date.

19 MS. GEFTER: Are there any other items that  
20 staff wishes to offer to the Committee regarding status  
21 of this case?

22 MS. ALLEN: No.

23 MS. GEFTER: Are there any questions at this  
24 point for staff on any of the items that they mentioned  
25 so far? We will get to the public comments in a few  
26 minutes, but just regarding the presentation by staff,

1 any specific questions at this point?

2 Okay. I think we're done, unless the

3 Committee has any other questions.

4 COMMISSIONER ROHY: I have no further

5 questions.

6 MS. GEFTER: Okay. Thank you.

7 We're going to does CURE if they have any

8 presentation. Do you want to come up and speak into

9 the microphone

10 MS. POOLE: Certainly.

11 MS. GEFTER: And CURE is an intervenor in

12 this case and is a full party and has been sending out

13 data requests and has collected data responses.

14 MS. POOLE: That's correct, and I only will

15 address a couple of these questions.

16 The first relates to those data requests,

17 which were sent out November 2nd, I believe. The due

18 date for the responses is December 2nd. We received

19 some objections from the applicant yesterday to some of

20 those requests. I've talked with the applicant, and I

21 think, based on some information that I only became

22 aware of this morning, we'll be able to resolve some of

23 those objections informally. I'm not certain that

24 we'll be able to do that with all of them.

25 Moving on to Question 8, I do continue to

26 have some concerns that the cumulative impact in

1 particular of this project as well as discharges from  
2 Calpine's proposal may require an NPDES permit  
3 modification. I can't answer that question until we  
4 see the Calpine proposal, but I do think that that's  
5 still a possibility.

6 And as to Question 11, as we conveyed in, I  
7 believe, our first status report, I do think that  
8 releasing the FSA prior to any of these other  
9 documents, essentially guarantees that those issues  
10 will have to be addressed at hearings, which are very  
11 time consuming and burdensome, so we think it's more  
12 efficient and more timely ultimately to wait until  
13 those final documents are available to staff before the  
14 FSA is released.

15 And those are all the questions that I plan  
16 to address in this.

17 MS. GEFTER: Thank you.

18 COMMISSIONER ROHY: Thank you for your  
19 comments.

20 MS. GEFTER: We also would like to hear from  
21 any of the responsible agencies regarding the questions  
22 we have listed on the notice or any other issues that  
23 you encountered so far in the process.

24 I'll ask the representative of the Air  
25 Quality District if you'd like to offer any comments to  
26 us at this point on the status of your work with regard



1 to this project.

2 MR. JANG: Well, we --

3 MS. GEFTER: If you could come up and just

4 speak into the microphone, that would be helpful.

5 Thank you.

6 MR. JANG: We're currently evaluating the

7 information that's been submitted. Until we see the

8 final batch of information that's due on the 7th, we

9 can't definitively say we'll have our preliminary

10 determination of compliance within 60 days, but that's

11 the best case thing.

12 Other than that, we don't have any other

13 issues.

14 COMMISSIONER ROHY: We've heard a lot of 60

15 days from December 7th, and I know many agencies, many

16 businesses have quite a few holidays in that period of

17 time, the two months. Will that effect the 60-day

18 evaluation period?

19 MR. JANG: Well, in reality it probably will

20 have some effect, since not all staff will be around to

21 review various aspects that we're supposed to review.

22 COMMISSIONER ROHY: But you think it is

23 still possible within 60 days.

24 MR. JANG: Yes.

25 COMMISSIONER ROHY: We look forward to it.

26 MR. JANG: Okay.

1 MS. GEFTER: I have a question regarding  
2 offsets again, because the applicant has indicated  
3 they're in the process of negotiating offsets, and they  
4 think it will be completed within the 60 days, two  
5 months or so, and you indicated earlier that you  
6 wouldn't necessarily have to have those contracts in  
7 place before you issued a preliminary DOC. Will you  
8 need those contracts in place before your final DOC is  
9 issued?

10 MR. JANG: We would like to see them, but  
11 the permit that we issued, the authority to construct  
12 that we issued, before we bat that document requires  
13 offsets provided to us, so, really, definitively we  
14 don't require the offsets until the authority to  
15 construct is issued, which would not be until after the  
16 power plant is certified. So in theory we can have a  
17 DOC -- a final DOC that states offsets will be  
18 provided.

19 I mean -- I guess, I don't know if I  
20 answered that. I guess I didn't answer that question.

21 MS. GEFTER: Would you like to come up and  
22 speak in the microphone?

23 MS. HEREDIA: I'll broadcast my voice here.

24 MS. GEFTER: Okay.

25 MS. HEREDIA: Based upon discussions that  
26 we've had with the Bay Area AQMD, as you may well know,

1 the CEC serves in the lead agency process here. The  
2 Bay Area AQMD is obligated that they cannot issue their  
3 authority to construct until after the lead agency has  
4 granted their approval for the permit.

5 Woodward-Clyde has had discussions with the  
6 Bay Area AQMD, such that we would do the authority to  
7 construct issuance somewhat in parallel, such that once  
8 the final approval is granted by the CEC, that the  
9 Bay Area at that point would be ready to turn around  
10 and issue their authority to construct.

11 MS. GEFTER: What that sounds like to me is  
12 you would have the offsets already lined up, and you'd  
13 have the contracts available to the Energy Commission  
14 prior to our evidentiary hearings in our case, and that  
15 we could conclude the case without waiting for offsets.

16 MS. HEREDIA: That is my understanding, and  
17 I see the gentleman who's paying for the offsets over  
18 there nodding his head, so I will say, yes.

19 MS. GEFTER: Anything else, Mr. Thompson on  
20 that?

21 MR. THOMPSON: No.

22 COMMISSIONER ROHY: I would just say to the  
23 applicant that I am looking forward in two months to  
24 having your offsets available, at least to show that  
25 you have been under control, using -- I believe that's  
26 the word you used.

1 MS. GEFTER: Also -- Thank you very much.  
2 And we'd also like to hear from the waste  
3 water treatment plant again to indicate to us  
4 whether -- a question was raised by staff regarding the  
5 cumulative impacts -- I guess the question was raised  
6 by CURE -- I'm sorry -- regarding cumulative impacts of  
7 the proposed Calpine project and how that might impact  
8 your necessity for a permit in this case, and I wonder  
9 if you might have some comment on that.

10 MR. CAUSEY: The necessity for a revised  
11 NPDES permit?

12 MS. GEFTER: Right.

13 MR. CAUSEY: Not knowing exactly what  
14 Calpine wants to do and exactly what they're looking  
15 for, our discussions with them indicate that they may  
16 want different kinds of water that would affect the  
17 overall cumulative impacts, so I can't speak  
18 necessarily what that would do. There is obviously  
19 capacity to this project, and depending on how Calpine  
20 puts their project together with Enron, what that looks  
21 like, I can't speak to that either until they make a  
22 submittal to you or I've gotten something from them on  
23 what exactly they wish to do.

24 MS. GEFTER: Would you anticipate that if  
25 things proceed in this case, as you've described, where  
26 we wouldn't need to go through that revised permit

1 process, and then you look at the Calpine proposal and  
2 you find that impacts this case, would you then come  
3 back and tell us, "Whoops. We need to go through the  
4 revised permit process"?

5 MR. CAUSEY: For this project?

6 MS. GEFTER: Yes.

7 MR. CAUSEY: No. We would have already  
8 issued a waste discharge permit that would be official  
9 and pending, and that permit would probably be a three-  
10 or five-year permit that would allow the opportunity  
11 for them to continue to discharge. They're already  
12 discharging to the system, and we could not unissue a  
13 permit.

14 MS. GEFTER: But at this point, you know, we  
15 have proposed projects. Projects are at this point  
16 proposed, and the time lines are about six months  
17 apart. So while you're looking at this project, which  
18 is yet proposed, and you get to looking at Calpine,  
19 which would then be proposed, you wouldn't have issued  
20 a permit in either case. Could you then, you know,  
21 while you're looking and evaluating --

22 MR. CAUSEY: We could look at both together  
23 yes, on a cumulative basis, yes. If we had some  
24 information with regard to exactly what would happen,  
25 yes, we could do that without a lot of difficulty.

26 MS. GEFTER: Thank you.

1                   Any comments on the last comments by our  
2 waste water treatment representative?

3                   Okay. There were some other agencies here.  
4 City of Pittsburg Planning Department. Yes.

5                   Do you have any comments for us?

6                   MR. KOLIN: I'm Jeff Kolin, City Manager for  
7 the City of Pittsburg.

8                   We've been working closely with Enron, the  
9 applicant, together with the City for the project. We  
10 are very interested in seeing it move forward according  
11 to the preliminary schedule that's been established.  
12 We see some very important economic benefits to the  
13 city and the region as a result of the project.

14                  We also want to make sure that it is very  
15 carefully evaluated, and the environmental impacts and  
16 any mitigations that are necessary are carefully looked  
17 at and fairly applied to the Enron project as well as  
18 the Calpine project.

19                  We are aware of both projects. We've been  
20 briefed by Calpine as well, and understand the nature  
21 of their project and certification.

22                  MS. GEFTER: Thank you.

23                  Are there any other agency representatives  
24 here that I have may have missed that have some  
25 comments for us?

26                  I think then we'll ask members of the public

1 to please come forward.

2 This gentleman here -- I'm sorry. I forgot  
3 your name. Would you indicate -- just identify  
4 yourself?

5 MR. BARRETT: Yeah. My name is Tim Barrett,  
6 B-A-R-R-E-T-T. I'm a resident of Bay Harbor Park.

7 I don't know much about Enron. I saw their  
8 sign on a -- one of our historic buildings downtown  
9 that continues to have people move in and move out.  
10 It's almost as if a -- whenever there's a new power  
11 plant they move in.

12 I'm not against power plants, but I'm not  
13 necessarily for this power plant. I was at a board  
14 meeting last night where Enron came and made a  
15 presentation to us and then was asked by the president  
16 of the our association if I would attend this meeting  
17 and potentially serve on the public relations counsel  
18 or something. I'm not sure that I'm going to.

19 But I attended the workshop this morning,  
20 and a couple of things that I asked this morning I  
21 wanted to make sure they're on the record since this is  
22 a more formalized hearing, and those are the following.  
23 The stacks -- that's the tall stacks -- were moved from  
24 175 feet to 150 feet. I asked why, and the comment was  
25 because of some homeowners groups complaining about the  
26 visual effect of the 175-foot stack. My question to

47

1 the group was, is there a difference in pollution and  
2 pollution patterns from 150 to a 175 foot and noise?  
3 The noise answer I was given, that it was minisculely  
4 different, but that there were some differences as far  
5 as the flow of particulates and that kind of stuff. I  
6 asked for plot plans basically showing the levels of  
7 particulates where they would fall, you know, obviously  
8 in our areas, and where these things would end up. The  
9 difference between 150 and 175 feet, and it's my  
10 understanding that those are going to be provided for  
11 the homeowners to be able to review.

12 The next things I talked about, as I found  
13 out about the Bay Area Air Quality Management stuff,  
14 and that the idea that you can purchase credits from a  
15 polluter who, let's say, was in another community of  
16 the nine counties and basically take the savings in  
17 pollution there and then apply pollution to someplace  
18 else geographic just seems completely idiotic to me  
19 that you'll be able to do that. That's an area that  
20 I'll actually probably bring forth to the federal EPA  
21 over the next week or so to find out how this  
22 connection will be done, because conceptually it just  
23 doesn't make sense.

24 I had the opportunity to ride with the Enron  
25 people after the meeting this morning, and they showed  
26 me the proposed layout of the road. This is a truck



1 road that I've been waiting for for, I guess, about ten  
2 years when the last power group came in and said they  
3 were going to build a road, which I still don't know  
4 where that road is, and I don't think it's here yet.  
5 I believe the proposal is half-baked at best, and if I  
6 could use this (indicating) map as an illustration,  
7 since it's there, to give you at least my understanding  
8 of what the proposal is.

9           What they propose is basically to build a  
10 wall behind homes right here (indicating), and the  
11 current truck traffic that impacts the city basically  
12 gets off of Railroad, makes a hard left -- or a hard  
13 right to the east and comes up Harbor, and kind of  
14 pikes down Harbor. Harbor has been widened, and as  
15 those trucks are down the middle of this four-lane  
16 road, as it's kind of divided, they're proximity to  
17 homes is actually rather far in comparison to the road  
18 that is proposed behind these homes that right now have  
19 nothing but an empty field, an empty baseball field.  
20 Now, we're going to put up a soundwall and all that  
21 kind of stuff to help to mitigate some of the noise  
22 impact. We're then going to take this wall -- and I  
23 guess they want me to be on this committee to tell them  
24 how pretty it should be -- and we're going to put the  
25 wall up basically here (indicating), blocking all of  
26 this (indicating), which that's a great idea. I think

1     that we should build this wall here for these people  
2     that live here in the central edition regardless of  
3     where we put the road.

4             And then what we're going to do over here  
5     (indicating) is we're being to come down at the end of  
6     this road right here (indicating). Now, actually we're  
7     going to make a new road, but it's going to parallel  
8     this road.

9             COMMISSIONER ROHY: Excuse me just a second.  
10    As much as you can for the record, would you name the  
11    roads when you're -- is it possible?

12            MR. BARRETT: Yeah, sure. Let me see. The  
13    road's name is not on that map.

14            UNIDENTIFIED SPEAKER: Santa Fe.

15            MR. BARRETT: Santa Fe. The City Manager  
16    should know the roads.

17            We're going to parallel Santa Fe, and then  
18    what we're going to do is we're going to deadend to  
19    Harbor, and we're going to make a hard right or left,  
20    depending on which way you go, and we're going to have  
21    traffic flowing north and south. Basically -- well,  
22    you don't really see it on any of these maps, but  
23    you're going to have traffic flowing on Harbor down  
24    here (indicating).

25            MS. GEFTER: Down where?

26            MR. BARRETT: Down where John Mansville --

1 where the traffic flows now, where the terminals are  
2 and that kind of stuff.

3 So the mitigation of the traffic because of  
4 this road doesn't really affect the people that are  
5 downtown at all, the people who are not affected by  
6 truck traffic, and in some parts -- there's people over  
7 here in this area (indicating) that really have no  
8 truck traffic at all now are going to get some.

9 My recommendation, and I ran this by the  
10 planning guy out here, and it's possible. From what I  
11 understand what we want is trucks not to get off the  
12 road, off of Highway 4. We want trucks to get off on  
13 Loveridge. Railroad is a commercial, residential road  
14 and Loveridge is an industrial road. Okay? And we  
15 want the trucks to get off at Loveridge, and there's  
16 good access there, and cross the tracks. There's all  
17 kinds of heavy construction here (indicating), and we  
18 want them to use this (indicating) access to get to  
19 this project here (indicating).

20 MS. GEFTER: Which access again?

21 MR. BARRETT: Basically coming up Loveridge.

22 MS. GEFTER: Okay.

23 MR. BARRETT: So what we're going to do is  
24 we're going fight them down here (indicating) -- What's  
25 the road that's here (indicating)? It's the  
26 Pittsburg/Antioch Highway, and then we're going to cut

1    them into, basically right behind residential areas of  
2    a road that's not even made yet, rather than taking the  
3    existing highway that's here (indicating), Loveridge,  
4    which extends into Posco's territory. Now, what we're  
5    trying to do is we're trying to join up this area here  
6    (indicating), the traffic that's coming off of here  
7    (indicating).

8                   MS. GEFTER: When you said "this area here,"  
9    would you try to be --

10                  MR. BARRETT: Well, the area of the  
11    construction.

12                  MS. GEFTER: Okay. The project construction  
13    site.

14                  MR. BARRETT: The project construction,  
15    where the GWF traffic currently is, where hopefully the  
16    Mansville -- all the truck traffic that we've been told  
17    as citizens were going to get eliminated if we keep our  
18    mouths shut and allow these projects to get approved.  
19    Okay? Why not just tie these (indicating) two points  
20    together, the end of Loveridge and the end of  
21    Third Street, and you keep all of the truck traffic,  
22    the industrial traffic in the industrial section of  
23    downtown.

24                  Now, you could say, "Yeah, but Posco owns  
25    that land." Well, at this morning's meeting we also  
26    found out that of the 500 megawatts this plant's

1 supposed to maximum generate, 16 megawatts is going to  
2 be going to Posco, plus most of the steam. Posco wants  
3 this plant. "Hey, Posco, how bad do you want the  
4 plant? Give up some of your land, allow the trucks to  
5 go on your property, since they're trucks that are  
6 funding things that benefit you."

7 And that would be my recommendation as a  
8 homeowner. Could it be done? Yeah. Could it be done  
9 in 60 days? Yeah, it can. Will it cost people money?  
10 Yeah, but everything's going to cost money.

11 Questions?

12 COMMISSIONER ROHY: We appreciate your  
13 comments.

14 MS. GEFTER: Yeah, thank you.

15 MR. BARRETT: And if I'm sorry I don't know  
16 the name of all the streets.

17 COMMISSIONER ROHY: We just need to get it  
18 on the record.

19 MS. GEFTER: Thank you.

20 Any other comments by members of the public?  
21 We'd like to hear from you.

22 Yes. And please state your name.

23 MR. GLYNN: For the record, my name is  
24 Bill Glynn. I'm the president of New York Landing  
25 Homeowners Association. I've communicated this in  
26 writing to Eileen already, but for the record at this

1 meeting, I'd like to make the comment on offset  
2 credits.  
3 MS. GEFTER: Could you speak into the mic?  
4 MR. GLYNN: I can speak louder.  
5 MS. GEFTER: Okay.  
6 MR. GLYNN: As far as offset credits  
7 concern, I had set up on previous occasions a scheme  
8 wherein the offset credits either had to be, one,  
9 purchased within the Greater Bay Area, and I  
10 specifically stipulated within 25 miles of the plant  
11 site itself, or Northern California as the first  
12 priority for purchase, and that only as you descended  
13 in other types of priorities, which you get away from  
14 the general area in which this plant is to be sited.

15 The second issue is the particulate matter  
16 statistics, that are contained in the application, are  
17 not derived from any monitoring stations that are  
18 physically within the basin wherein the current PG&E  
19 and/or the Enron site are currently located.

20 In the documentation that I sent up to  
21 Eileen, I had obtained a letter from the BAAQMD wherein  
22 they would be willing to support a concept of  
23 establishing a monitoring station for particulate  
24 matter in the area of Pittsburg for the purpose of  
25 determining a baseline study of where we're at right  
26 now in regards to particulate matter emissions.

1           My reason for that is this. We have an  
2   awful lot of turbulence in the environment. We have  
3   deregulation. We're selling off three PG&E plants that  
4   are in the general area. I've been told by the PG&E  
5   people that, in fact, one or more of those PG&E plants,  
6   either Pittsburg or Antioch preferably, is going to be  
7   designated as a must-run facility. That means that  
8   they're going to be emitting more particulate matter  
9   under that condition than on a given day, than we're  
10   currently experiencing. Second of all, we don't know  
11   who it's going to be sold to.

12           The other issue is, Calpine is coming online  
13   with something somewhere between 500- and 800-megawatt  
14   plant, and I certainly have sat in as a member of the  
15   communtiy advisory panel for Dow Chemical in  
16   Mr. Buchanan's presentation. I think the technology is  
17   basically equivalent to Enron's, and it would be a low  
18   emitter, but we have a whole host of particulate matter  
19   emissions within this basin, and to base an application  
20   on statistics derived from the Concord site is not  
21   germane to what's going on right here, right now.

22           So before we start tagging any of these  
23   plants, either for increased productivity and more  
24   emissions, or taking them to task for the cumulative  
25   effect of emissions in here, I think it's appropriate  
26   that we establish a particular matter emissions

1 stations in here, and unfortunately for Enron, I would  
2 nominate them to pick up the tab for its establishment  
3 and have Posco donate the land if it can't be located  
4 within that plant area.

5           The other issue is the smokestack height.  
6 We've always objected to the smokestack height for its  
7 visual impact on the downtown area of Pittsburgh. Now,  
8 I've talked to Sam about this, and I've listened to  
9 various presentations. Currently it sits at 175 feet.  
10 Calpine's proposal, and Mr. Buchanan made his  
11 presentation, both at Dow when I was sitting there and  
12 when I was a member of the community advisory  
13 committee, it was indicated that this plant is only  
14 going to smokestack height of approximately 120 feet,  
15 located approximately one mile offset from the  
16 smokestacks downtown Pittsburgh on the Enron plant. My  
17 question is, is it a matter of a microclimate in terms  
18 of dispersion of any particulate matter emissions that  
19 dictates that we have 150 height -- foot height in  
20 downtown Pittsburgh as opposed to 120 foot less than a  
21 mile away? I think that's a question that ought to be  
22 investigated.

23           Now, if the analysis indicates that no way,  
24 because of the microclimate of downtown Pittsburgh, and  
25 we don't want to take any chance of that particulate  
26 matter falling on the residents of downtown, then so be



1 it. I think that Enron has gone the extra mile in the  
2 application by flipping the plant around and moving the  
3 stacks approximately 200 plus feet further away from  
4 the downtown area, particularly Bay Harbor, than it is  
5 now, that it's a move in the right direction.

6 I'm also upset over the fact that there is a  
7 contiguous site that is remediated and right next door  
8 to this planned site that was originally put together  
9 by Ari Liquide, that's property owned by Posco, that  
10 would give an additional 2- to 300 feet further away  
11 from the smokestacks from downtown, but the word that I  
12 get from various sources is that that property is tied  
13 up in litigation with USS Posco and Ari Liquide and is  
14 not available for overlapping the plant and moving it  
15 further eastward by approximately 300 foot.

16 Finally, in this particular new plan with  
17 the plant flipped, we've got transmission towers that  
18 somehow or another have to move off the plant site and  
19 need to transition the pond that's shown here before  
20 the line goes underground down at the Eighth Street,  
21 where it goes underneath and then goes over to PG&E on  
22 the opposite side. Question. How high are those  
23 towers going to be, and are they any less of a visual  
24 impact than 175-foot smokestack is going to be? What's  
25 the lowest height that those transmission towers can go  
26 and meet the EMF transmagnetic things as it relates to

1 residents of the whatever? I want that investigated so  
2 that it's not any higher than it has to be.

3 Finally, let's talk about the issue of waste  
4 water. If we're taking water from the sewage plant,  
5 what kind of safeguards are in place for somehow or  
6 another getting the Enron cooling facility -- or  
7 cooling situation contaminated by effluent somehow  
8 because of a plant failure in that water supply? What  
9 kind of safeguards do you have to make that from  
10 happening?

11 Alternatively, if we're returning the water  
12 from the cooling process of the Enron plant to the  
13 water treatment plant, what happens if they're at  
14 capacity and can't take that water at this point, or  
15 alternatively what happens if there's no cooling water  
16 available whatsoever to Enron? What's the backup plan  
17 for obtaining water to cool the turbines which may be  
18 required to be operating while the sewage plant is out  
19 of action? That hasn't been addressed.

20 Other than that, I think that Enron has  
21 taken and done a really great job in terms of meeting  
22 all of the requirements that we've put on them. I  
23 think the plant is good for the community, and I think  
24 they've made a maximum effort. These are issues that I  
25 see remaining that need to be answered or investigated  
26 by staff. I'm particularly concerned about EMF because

1 that becomes a hot button issue all over the place in  
2 terms of the distance of the lines on the towers from  
3 the residents.

4 And the other one is, of course, the visual  
5 impact of the plant, and then what are we going to do  
6 about sound suppression? That's the last one, and I  
7 think I heard this gentleman over here talk about  
8 there's been some significant studies about that.

9 It was a request for data that showed up  
10 within the last couple of days that talked about an  
11 exemption for particulate matter burden for a certain  
12 period of time during the start-up time for the plant.  
13 I'm assuming that's some kind of running period until  
14 they figure out what's going on, and then adjust  
15 accordingly, and I would be interested if that  
16 exemption, or that requested exemption from the PM 10  
17 requirements is short-term as opposed to long-term.

18 That's all. Thank you.

19 COMMISSIONER ROHY: We appreciate your  
20 comments.

21 MS. GEFTER: We're going to take a little  
22 break again to give our reporter a little break, and  
23 we'll take about five minutes. We're going to just  
24 wind it up. We're going to talk about the schedule  
25 after we come back in about five minutes. Thank you.

26 (Whereupon, a break was taken.)

1 MS. GEFTER: We're back on the record.

2 Based on the discussions we've had so far in  
3 this status conference, it seems to us that the biggest  
4 schedule needs to be modified, and it seems that there  
5 has been a slippage of approximately 60 days in many of  
6 the data responses, and that we kept hearing things  
7 would be ready in 60 days. If things were filed on  
8 December 7th, other things would be available  
9 February 7th, and the Committee is considering slipping  
10 the schedule 60 days at this point.

11 Comments from the parties?

12 MR. THOMPSON: Yes.

13 It strikes us that a proposed schedule like  
14 this really runs counter to everything that we were  
15 trying to do. The vast majority of the changes are the  
16 types of changes that occur with every project going  
17 through a process such as this. We are, in essence,  
18 doing a great deal of facility design as you roll  
19 through this process, as well as the process of other  
20 agencies. I think it will be a very rare project that  
21 gets certified exactly as the AFC describes it.

22 The changes that we have, I hope to show the  
23 staff on or before the 7th, will be the kinds of  
24 changes that should be relatively easy to cope with in  
25 the areas that need to review. For example, one of the  
26 biggest of the small number of changes would be the

1 transmission line. We have discussed with  
2 Woodward-Clyde what that submittal would look like,  
3 that it will involve all the potential areas of  
4 environmental concern, and would say, for example, if  
5 there's no environmental impact or if there is, what  
6 that environmental impact would be. We are going to  
7 try and make that submittal user friendly.

8 With many of the other areas, if not  
9 ministerial, fairly minor, and many of the changes have  
10 been made to accommodate citizen reaction and, I think,  
11 constitute project betterment. I think to what is in  
12 essence a penalty on the applicant for performing many  
13 of these changes, I think, would be a misplaced result  
14 of the process.

15 I would submit that January 11 may be  
16 difficult. It was the first -- that was the date the  
17 PSA was scheduled to come out in the September order,  
18 but I would also submit that we may not know if the  
19 staff can make January 11 or January 25 until they see  
20 what we submit on December 7. It may also be the case  
21 that we submit material on December 7th to staff. The  
22 staff may be able to, after a workshop, complete its  
23 PSA, pick a date, end of January. Over the next month,  
24 the Delta Diablo contract, the offsets, the PDOC, much  
25 of that information would come in to delay for 60 days  
26 the issuance of a PSA until all that is required has

1 not been required in other cases, and I would ask that  
2 it not be required in this case either.

3 I guess what I would ask the Committee to do  
4 is to consider a tentative slippage of two weeks in the  
5 PSA, pending staff reaction and other parties' reaction  
6 to the filing that we will be making on December 7th.  
7 I will realize this is a partial step, but I would hate  
8 to slip two months when maybe the slippage is only a  
9 matter of days.

10 COMMISSIONER ROHY: Staff.

11 MS. GEFTER: Staff comments.

12 MS. WHITE: Lorraine White, project manager.

13 The biggest concern that staff has is this  
14 filing on December 7th. There are significant bits of  
15 information that are contained in this filing, which  
16 are quite important to the analysis that staff will  
17 conduct. It is ideally going to be complete, but we  
18 can't be assured of that, not until we've had a chance  
19 to look at it. Even if it was complete in its content,  
20 responds to all data requests and all required  
21 information related to the design and operation of the  
22 facility, staff must still be allowed ample time to  
23 conduct a solid and complete analysis. Two weeks is  
24 very tight, and it is our estimate that a solid type  
25 analysis could not be completed in such a short period  
26 of time.

1           There's also a possibility that once this  
2 material is reviewed by staff that there will be  
3 additional information that staff will require. This  
4 is where we have the biggest unknown. We haven't seen  
5 the material, so we don't know if we need additional  
6 data requests. If we have to have additional data  
7 requests, the time for people to review that review  
8 that information and submit it to the staff will also  
9 be time consuming.

10           Once staff has had the opportunity to review  
11 the information and develop its analysis, it then also  
12 has to go through review by our management, so that  
13 time must be considered as well.

14           The timing of the other permits, the PDOC,  
15 the agreement with the water district, those types of  
16 considerations and conditions must be made more firm so  
17 that the staff have solid information to base their  
18 analysis on.

19           We're uncomfortable with even just a minor  
20 slippage of the schedule, if, in fact, the information  
21 submitted on the 7th is substantial, which we assume it  
22 is, because of the transmission ground information, the  
23 operating information, the EMF study, and so on. So  
24 our preference is to be allowed to have more time to do  
25 an adequate and complete job.

26           MS. GEFTER: Are there any questions of the

1 Committee to either applicant or staff?  
2 Mr. Thompson suggested that the applicant  
3 would be penalized by just doing the normal things that  
4 it takes to get an application together. This is not  
5 at all along those lines. What we're trying to do is  
6 be realistic. We don't want to end up with an  
7 incomplete PSA or an incomplete FSA. We don't want to  
8 go into evidentiary hearings without a complete record  
9 available to us. So our -- the Committee feels that  
10 it's best to try to have these different steps  
11 completed before we go into evidentiary hearings, and  
12 at this point we think -- one of the things that you  
13 indicated was the ISO will not necessarily be complete.  
14 Their final review of materials that will be filed on  
15 December 7th until February 7th. The PDOC won't be  
16 ready until February 7th, or something like that. This  
17 is all, you know, past the two weeks that applicant is  
18 proposing, and if these documents, you know, need to be  
19 reviewed again by staff, staff can't produce a complete  
20 PSA in a few days. So I think that at this point we  
21 would like to modify the schedule, and require the PSA  
22 to be at least March, the 60 days that we have been  
23 talking about this entire session. If in fact -- if,  
24 indeed, the December 7th filing is complete, that the  
25 analysis can take place, that the PDOC comes in sooner,  
26 the ISO report comes in sooner, then, of course, the



1 PSA can be produced sooner and released, you know,  
2 earlier in the schedule, but at this point we need to  
3 account for any kinds of unforeseen delays that can  
4 occur, and we need to give staff time to do the review  
5 that they need to do.

6 In order to make it less onerous for us,  
7 when we were speaking earlier about staff and applicant  
8 conducting a workshop after the December 7th filings,  
9 what the Committee would like to do is to make this,  
10 the schedule slippage, a preliminary slippage at this  
11 point. We're not going to be locked into it, and if,  
12 after the workshop, we receive status reports from the  
13 parties that, in fact, the filing is complete, that  
14 staff can do the acknowledges more quickly, that the  
15 agencies are able to produce their reports more  
16 quickly, we will certainly be willing to change the  
17 schedule to report with those findings, but at this  
18 point, then, what we'd like to do is say this is a  
19 tentative 60-day slippage in the schedule. We're not  
20 going to issue a new Committee schedule until after we  
21 hear from you after the workshop, and then what we can  
22 do then is schedule a date for those status reports to  
23 be filed. At this point we have a December 10th, I  
24 believe, date for a status report on the original  
25 schedule.

26 I think that might be a little too soon

1 because the workshop might not occur until  
2 December 10th.

3 MS. WHITE: Correct.

4 MS. GEFTER: So why don't we say the  
5 December 10th status report will be due after the  
6 workshop occurs, and you will -- the staff and  
7 applicant will notify us, and we'll see the notice as  
8 to when the workshop would occur and then the status  
9 report would be due, say, one week after the workshop.

10 MS. WHITE: That sounds good.

11 MS. GEFTER: Okay. And so at this point  
12 we're not going to issue a new scheduling order. We're  
13 just going to, for the record, indicate it's a  
14 tentative concept of slipping the proceedings for 60  
15 days, pending the information we get on the status  
16 reports, which will be filed one week after the  
17 December workshop.

18 Is that okay with staff?

19 MS. WHITE: That sounds great to staff.

20 MS. GEFTER: How about the applicant?

21 MR. THOMPSON: I believe the code requires  
22 applicant to concur in the schedule slippage beyond 365  
23 days. We do not, at this time, concur. It has been my  
24 experience that when the 365-day limit is blown, any  
25 control over schedule is problematic. I'm not saying  
26 that we will not agree to it, but I would like the

1 Committee to consider some methods of schedule control,  
2 because the applicant has virtually none, other than  
3 material that we are going to be submitting.

4 So, I accept it, mostly because I have no  
5 choice. We will work diligently to get the material in  
6 on December 7th, and I appreciate the tentative or  
7 preliminary slippage.

8 MR. BARRETT: Can the Committee request of  
9 the applicant that between now and the December 10th  
10 workshop that they investigate the possibilities of  
11 road closure between Loveridge and Third Street in  
12 Posco territory?

13 MS. GEFTER: I believe that that would be an  
14 issue between the City of Pittsburg and the applicant.

15 MR. BARRETT: It would be?

16 MS. GEFTER: Yes.

17 MR. BARRETT: Okay.

18 MS. GEFTER: Any other comments at this  
19 point from CURE? Do you have any comments in terms of  
20 the schedule or anything else that occurred today?

21 MS. POOLE: Simply that we agree with the  
22 Committee's ruling.

23 MS. GEFTER: And from the agencies, any  
24 other comments?

25 Since there are no more comments, we are  
26 going to adjourn this conference at this time, and we

1 expect to hear from staff and applicant one week after  
2 the December workshop. Thank you.  
3 (Whereupon, the proceedings concluded at  
4 4:53 P.M.)  
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1                                 REPORTER'S CERTIFICATE  
2     STATE OF CALIFORNIA     )  
                                   )         ss.  
3     COUNTY OF SOLANO        )  
4                         I, JANENE R. BIGGS, a Certified Shorthand  
5     Reporter, licensed by the state of California and  
6     empowered to administer oaths and affirmations pursuant  
7     to Section 2093 (b) of the Code of Civil Procedure, do  
8     hereby certify:  
9                         That the proceedings were recorded  
10    stenographically by me and were thereafter transcribed  
11    under my direction via computer-assisted transcription;  
12                         That the foregoing transcript is a true  
13    record of the proceedings which then and there took  
14    place;  
15                         That I am a disinterested person to said  
16    action.  
17                         IN WITNESS WHEREOF, I have subscribed my  
18    name on December 3, 1998.  
19  
20  
21                                 Janene R. Biggs  
22                                 Certified Shorthand Reporter No. 11307  
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24  
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